

# **DRAFT**

## **Report of Actions of the Government Oversight Committee on the Office of Program Evaluation and Government Accountability's Information Brief State Funding for Good Will-Hinckley December 2015**

This report summarizes the actions of the Legislature's Government Oversight Committee (GOC) in response to the Information Brief by the Office of Program Evaluation and Government Accountability (OPEGA) on State Funding for Good Will-Hinckley (GWH). It also includes additional or new information pertinent to the events and content reported in the Information Brief that was gathered during the GOC's public consideration of this report.

OPEGA's Information Brief can be found at [www.legislature.maine.gov/opega/opega-reports](http://www.legislature.maine.gov/opega/opega-reports). The GOC Meeting Summaries documenting, in more detail, the Committee's work and deliberations with regard to this report can be found at [www.legislature.maine.gov/opega/archive-of-previous-meeting](http://www.legislature.maine.gov/opega/archive-of-previous-meeting). Copies of the report or summaries can also be obtained by contacting OPEGA at 207.287.1901 or email to [etta.connors@legislature.maine.gov](mailto:etta.connors@legislature.maine.gov).

**Key GOC Dates** (See GOC Meeting Summaries on these dates for detailed record.)

**Report Presentation:** September 8, 2015

**Public Comment Period:** October 15, 2015

**Special Inquiry of Officials and Other Representatives:** November 12, 2015

**Work Sessions:** October 15, 2015 and December 3, 2015

**Vote on Endorsing OPEGA Report:** December 3, 2015

### **Summary of Public Comment Period**

Following the presentation of OPEGA's Information Brief on September 8, 2015, the GOC decided to request that certain individuals attend the Public Comment Period to answer GOC questions. The GOC subsequently sent letters requesting attendance to:

- Cynthia Montgomery, Chief Legal Counsel, Governor's Office
- Aaron Chadbourne, Senior Policy Advisor, Governor's Office
- Thomas Desjardin, Acting Commissioner, Department of Education
- James Moore, Chairman, Good Will-Hinckley Board of Directors

Of these four, only Mr. Moore attended the Public Comment Period and answered GOC questions. The GOC's discussion with Mr. Moore is captured in the GOC Meeting Summary for October 15, 2015. Ms. Montgomery and Mr. Chadbourne declined to attend citing the current civil lawsuit on the related matter pending against the Governor. Acting Commissioner Desjardin was unable to attend for health reasons but did send written testimony. The Acting Commissioner's written testimony and the letter from Ms. Montgomery explaining why she and Mr. Chadbourne declined the request are attached to this GOC report.

During the Public Comment Period on October 15, 2015, the GOC also heard and/or received written testimony from:

**Oral Testimony Only:** Rep. Helen Rankin, Chris Myers Asch, Davey Crockett, David Travers, Deb Fahy, Barbara Moore, Harold Booth, Mike Wiley, Suzanne Hedrick, Will Neils, Meredith Ares

**Oral and Written Testimony:** Rep. Jeff McCabe on behalf of Howard Trotzky, Rep. Jeffrey Evangelos, Rep. Benjamin Chipman, Rep. Janice Cooper, Brian Hodges, Cushing Samp, Jeanie Coltart, Alan Tibbetts, Becky Halbrook, James St.Pierre, Jim Ramsey, Hendrik Gideonse, and William J. Brown

**Written testimony only:** Susan Bloomfield, Andrew Cadot, Mary Chouinard, Walter Eno, Judith Farley, Lianne Mitchell, Elisabeth Ramsey, Charles Sims, Ed Spencer and Edward and Diane Potter.

Copies of all written testimony are attached to this report.

Through their oral and written testimony, multiple commenters urged the GOC to take one or more of the following actions:

- Get the rest of the facts related to the Good Will-Hinckley matter by issuing subpoenas and inviting others to a meeting, as necessary, to answer the GOC's questions.
- Engage the Attorney General's Office or a Special Prosecutor to determine whether there has been any crimes actually committed with regard to the Good Will-Hinckley matter. One commenter specifically referenced the following statutes:
  - Title 17A §355: Extortion
  - Title 17A §603: Improper Influence
  - Title 17A §903: Misuse of Entrusted Property
- Increase the scope of the GOC's inquiry to find the facts associated with other situations the Governor has been involved in, or allegedly been involved in, to establish whether actions taken in the Good Will-Hinckley matter are representative of a pattern of behavior/actions.
- Forward OPEGA's report and additional facts found on the Good Will-Hinckley matter to the House of Representatives for its consideration in possible impeachment proceedings against the Governor.

## **Summary of Special Inquiry**

During its Work Session on October 15, 2015, the GOC discussed its role in gathering facts and getting as much information as possible relevant to OPEGA's report on State Funding for Good Will-Hinckley. Accordingly, the GOC voted to issue subpoenas for Cynthia Montgomery and Aaron Chadbourne of the Governor's Office to appear at the GOC's next meeting to answer the Committee's questions as they had declined to appear at the Public Comment Period as requested. The GOC also voted to send letters to seven other individuals involved in the reported events requesting they too appear at the GOC's next meeting. Those individuals were:

- Thomas Desjardin – Deputy Commissioner, Department of Education (former Acting DOE Commissioner)
- Suzan Beaudoin –Director of School Finance and Operations, Department of Education
- Rich Abramson – former Good Will-Hinckley Interim President
- Sara Vanderwood – lobbyist for/representing Good Will-Hinckley

- Jay Nutting –lobbyist and former Good Will-Hinckley Board member
- William Brown – Chairman, Maine Academy of Natural Sciences Board of Directors
- Gregory Powell – Chairman, Harold Alfond Foundation Board of Trustees

A summary of the GOC's discussion and a record of the votes taken can be found in the Meeting Summary for the GOC's October 15, 2015 meeting.

The GOC Chairs also subsequently sent letters to each of the nine individuals subpoenaed or requested to appear requesting that they also produce any relevant records that had not already been provided to OPEGA during the course of the review.

All nine of the individuals appeared at the GOC's meeting on November 12, 2015 and answered questions from the Committee under oath. With the exception of Mr. Nutting, all also provided additional records, some of which OPEGA already had and some of which were new. Mr. Nutting testified that he did not have any records meeting the description of what the GOC Chairs had requested.

The GOC's protocols and procedures for this Special Inquiry were governed by several statutes, with interpretation as necessary from the GOC's counsel, Chief Deputy Attorney General Linda Pistner and OPEGA Director Beth Ashcroft. Those statutes are:

- Title 3 Chapter 21 – Legislative Investigating Committees
- Title 3 Chapter 37 – Legislative Oversight of Government Agencies and Programs
- Title 1 Chapter 13 – Public Records and Proceedings

The Meeting Summary for the GOC's November 12, 2015 includes a summary of the GOC's discussions and record of votes on the procedural matters.

The Meeting Summary also includes a summary of information gathered through the witnesses' testimonies. A full audio recording of the entire meeting and testimonies can be found on the Government Oversight Committee's website at [www.legislature.maine.gov/opega/archive-of-previous-meeting](http://www.legislature.maine.gov/opega/archive-of-previous-meeting).

### **Additional Information Gathered (This Section Not Complete)**

Following presentation of the Information Brief on September 8<sup>th</sup>, the GOC made requests for additional information. The Committee also directed OPEGA to conduct an interview with William Brown, the Chair of the MeANS Board and a staffer for Speaker Eves, whom OPEGA had not interviewed during the review. OPEGA provided the GOC with the requested information, as well as a summary of OPEGA's interview with Mr. Brown, at the Committee's October 15<sup>th</sup> meeting. That information is attached to this report.

Testimony and records obtained through the GOC's Public Comment Period and Special Inquiry produced the following additional information and details pertinent to events reported in OPEGA's Information Brief on State Funding for Good Will-Hinckley (Info Brief).

- The last paragraph on page 6 of the Info Brief, describes a plan GWH submitted to the Administration in December 2012 that the GWH President at the time indicated was intended to have GWH independent of State Center of Excellence funds in 24 months. In response to GOC questions on October 15<sup>th</sup>, GWH Board Chair Jack Moore said that this plan to be independent of this State funding has been the focus of GWH all along. However, it became clear that in order to achieve sustainability, GWH need to rebuild the School and grow enrollment. As they grow enrollment, they can allocate fixed costs over a wider population, but they were curtailed on enrollment with the current environment they

had. Hence, the effort to renovate and expand the Moody school building that is expected to be paid for with the remaining balance of the Alford Foundation grant.

- The last bullet on page 9 of the Info Brief describes a March 3<sup>rd</sup> meeting of GWH Board Chair Jack Moore and GWH Interim President Rich Abramson, with the Governor and Senior Policy Advisor Aaron Chadbourne. Mr. Abramson had previously described to OPEGA that in this meeting he also briefly talked with the Governor about GWH's plans to get off the \$530,000 in State funding. In his testimony, Mr. Abramson also described conversing with the Governor about the funding in a meeting he was in with the Governor, Mr. Moore, Mr. Abramson and Ms. Vanderwood in April. Mr. Abramson testified that at that meeting he let the Governor know that he was aware that the funding being provided through DOE was time limited and that part of his (Mr. Abramson's) responsibility was to develop a plan on how GWH would continue with providing the residential component without State funds. Mr. Abramson said he was reporting to the Governor that he had begun building that plan. In his testimony, Mr. Chadbourne also referenced attending a meeting with GWH in April where others were present and where he said he first heard of GWH's search for a President. (Note: OPEGA reported the date of this meeting as March 3<sup>rd</sup> based on documentary evidence obtained during the review. OPEGA is unaware of any meeting of the Governor's Office with the school other than that meeting. Though both Mr. Chadbourne and Mr. Abramson say in their testimonies that this meeting took place in April, given the attendees they described as being present it is likely the March 3<sup>rd</sup> meeting they were referencing.)
- Page 11 of the Info Brief describes a May 22<sup>nd</sup> lunch meeting between the GWH Board Chair, Jack Moore, and the Acting DOE Commissioner, Thomas Desjardin. Mr. Desjardin told OPEGA that during the meeting Mr. Moore appeared to be asking him if he was interested in the position even though, as OPEGA reported, by that date the GWH Board had already voted to offer the position to Speaker Mark Eves. Mr. Moore told OPEGA he did portray at the meeting that Speaker Eves' hiring was not a done deal as a final contract had not been signed, and he did think he asked a couple of times who Mr. Desjardin thought would be great for the position. In responding to GOC questions on October 15th, Mr. Moore maintained that he did not offer the job to the Acting Commissioner. He said he might possibly have asked if the Acting Commissioner was interested in the job given the Acting Commissioner's level of his enthusiasm and his level of disapproval over Speaker Eves. However, he did not recall asking this so he could say it was not a meaningful part of their conversation. Mr. Moore described his efforts in meeting with the Acting Commissioner as diplomacy in presenting the notion that Speaker Eves was their selection and trying to determine if that would negatively impact GWH.
- The second paragraph on page 12 of the Info Brief describes a June 5<sup>th</sup> meeting between the Acting DOE Commissioner and the Governor regarding the logger training initiative, the meeting where the Acting Commissioner told the Governor that Speaker Eves had been hired. In his testimony to the GOC, Aaron Chadbourne (the Governor's Senior Policy Advisor) said that he was also present at that meeting. He testified that this was the first time he had heard the news and that he believes it to be the first time the Governor heard the news. Mr. Chadbourne said the Governor was very surprised and that his instant reaction was question what Speaker Eves knew about running a school for adverse kids. He described the Governor as puzzled over what qualifications the Speaker might have had that led to such a decision. Mr. Chadbourne also testified that in this meeting the Governor asked him whether or not it was permissible under law for a member of the Legislature to be employed by a charter school that receives its funding directly from the State. Mr. Chadbourne said he researched that question after the meeting by taking it to Assistant Attorney General Sarah Forester. Mr. Chadbourne said this was the only thing the Governor asked him to do coming out of that meeting.

- The second bullet on page 12 of the Info Brief describes Senior Policy Advisor Aaron Chadbourne's interactions with GWH's lobbyist Sara Vanderwood on June 5<sup>th</sup>. In his testimony, Mr. Chadbourne confirmed that he had called Ms. Vanderwood and asked her to stop by his office, that he asked her to confirm whether Speaker Eves had been hired and that she said she did not know. He said this contact with Ms. Vanderwood was on his own initiative, no one told him to contact her. He testified that Ms. Vanderwood came back to see him that afternoon with the information and he thought she was also surprised to learn of it. Mr. Chadbourne said he let her know of the Governor's concerns about Speaker Eves' qualifications and whether this decision had been made in the best interest of GWH. Mr. Chadbourne testified that Ms. Vanderwood asked whether the Governor would still speak at GWH commencement. He said GWH funding was not discussed, he was not familiar with the details of GWH's funding at that time, and whatever Ms. Vanderwood inferred about the funding being in jeopardy was not a direct result of things that he said. Mr. Chadbourne testified that no one ever directed or asked him to convey a message about the funding being in jeopardy to Ms. Vanderwood or anyone else.
- In her testimony about these conversations with Mr. Chadbourne, Ms. Vanderwood said that Mr. Chadbourne told her the Governor was very upset if it was Speaker Eves that had been selected. That the Speaker was not qualified to hold the position either educationally or from the perspective that he was a vocal opponent of charter schools. Ms. Vanderwood said she also believes Mr. Chadbourne stated that the Governor knew the at-risk student population very well and that Speaker Eves would be incapable of handling a group of at-risk students. Mr. Chadbourne said the Governor had been very supportive of GWH in the past and he did not think that support would continue if GWH hired Speaker Eves as their President. Ms. Vanderwood testified that to her the issue of the Governor's support was directly related to funding and that it seemed very clear to her without funding being mentioned that funding is what support meant and she did relay that to Mr. Abramson. She said there was nothing further that happened after that to ever make her question her assessment of that message. She noted in her testimony that, although she worked on some other minor issues for GWH, her primary role was to ensure the funding for GWH stayed in the budget, that she had had conversations with Mr. Chadbourne leading up to this whole situation and that she thinks he understood what her role was. Ms. Vanderwood maintained throughout her testimony that she was given the impression the funding was in jeopardy.
- The last bullet on page 12 of the Info Brief, describes the GWH Interim President Rich Abramson receiving a call from the Governor on June 5<sup>th</sup>. In his testimony, Mr. Abramson further described his conversation with the Governor. He said the Governor informed him that he was extremely upset that he had learned Speaker Eves had been hired as the next President of GWH. Mr. Abramson said the Governor expressed his concerns about the Speaker, particularly around his voting record on charter schools. Mr. Abramson testified it was obvious that the Governor was upset with GWH, the Board and with him for having led the process. Mr. Abramson said the Governor used a few profanity words in describing the Speaker and the Speaker's work, but that the Governor was not yelling or screaming. Mr. Abramson said he tried as hard as could to explain to the Governor the process GWH had followed but that didn't mean much to the Governor and he was still pretty upset after the explanation. It was clear the Governor wanted to make a point. Mr. Abramson testified that the Governor did share as part of that conversation that he had been a big proponent of MeANS and that if GWH was making this type of decision, GWH would lose his support. There was no mention of money, it was merely stated that GWH had lost his support if it moved forward with this decision. Mr. Abramson asked the Governor what he wanted him to do as he worked for the Board and the Board had followed a straightforward process. The Governor shared a couple of people he thought GWH should have considered but who didn't apply. Mr. Abramson said he knew the people the Governor mentioned and said they would be excellent candidates but they did not apply for the position. Mr. Abramson said he asked once more if

there was anything more the Governor would like him to do and the Governor replied “No” and the conversation ended. Mr. Abramson said the conversation lasted about 15 minutes.

- The fifth paragraph on page 14 of the Info Brief describes the contents and status of a handwritten note the GWH Board Chair Jack Moore received from the Governor. In response to GOC questions on October 15<sup>th</sup>, Mr. Moore confirmed that he no longer had the note saying he may have showed it to his wife but he knows that it never left his house and that it ended up in a pile that was heading for the dumpster. He described it as a short note and said he did remember what it said. Mr. Moore said in the note the Governor recognized the note Mr. Moore had just sent to him. Mr. Moore also said there was an element in the note where the Governor said that he would have trouble supporting GWH if they were to hire, and Mr. Moore believes there were two words and one was scribbled out, but he did refer to Speaker Eves as a hack.
- The last paragraph on page 14 describes the GWH Board Chair’s recollections of two conversations he had with Senior Policy Advisor Aaron Chadbourne, although he could not recall the dates of those conversations. In his testimony, Mr. Chadbourne said the date of his first conversation with Jack Moore, GWH Board Chair, was on June 8<sup>th</sup> and that he called Mr. Moore on his own initiative. Mr. Chadbourne said he had spoken to Sara Vanderwood prior to the weekend. She had indicated that Mr. Moore might like to meet with the Governor and he had indicated to her that the Governor might be willing to meet. Mr. Chadbourne’s purpose in calling Mr. Moore on June 8<sup>th</sup> was to let him know that the Governor had instead decided to send him a letter outlining his concerns with their selection of the Speaker and that the Governor hoped they would continue the selection process. Mr. Chadbourne testified that during this conversation he laid out the same objections that were in the Governor’s letter. He also described Mr. Moore asking him about whether the Governor was objecting because Speaker Eves was a Democrat to which the answer was no, it was about the Speaker’s qualifications. A June 7<sup>th</sup> email that OPEGA obtained during the review suggests that someone had already told Mr. Moore prior to June 8<sup>th</sup> that the Governor did not want to meet. In the email, which is described in the second bullet on the top of page 14 of the Info Brief, Mr. Moore also states he understands if the Governor is not interested in meeting.
- Mr. Chadbourne maintained throughout his testimony that the only message he intended to convey to Mr. Moore during the June 8<sup>th</sup> call was that the Governor disagreed with their selection and did not have confidence in the selection process, that the Governor did not believe Speaker Eves was qualified. The Governor could not support their decision and encouraged them to continue their search process. Mr. Chadbourne also maintained that he did not tell Mr. Moore the funding was in jeopardy nor did he ever bring up the funding situation. Mr. Chadbourne said he did not remember his exact words and could not say for certain that he did not say “we would have trouble supporting GWH if you hire the speaker” but he maintained it was not his intent to communicate anything about the funding. He said he was not even aware at that time of the extra \$530,000 in funding that GWH was receiving from the State as it was not part of the budget he had worked on before it was submitted. Mr. Chadbourne said he did not know what he said that would have led Mr. Moore to conclude that the funding was in jeopardy. Mr. Chadbourne also testified that he did not have any direct knowledge of the Governor instructing anyone else to convey concerns about the funding to GWH.
- Mr. Chadbourne testified that it was also in this June 8<sup>th</sup> conversation that Mr. Moore indicated the Speaker had signed a contract with GWH over the weekend. That fact was not known to either Mr. Chadbourne or the Governor when they were putting together the Governor’s June 8<sup>th</sup> letter to the GWH and MeANS Board Chairs. Mr. Chadbourne testified that when Mr. Moore told him this he told Mr. Moore that it seemed the Board had made its decision then and there was nothing to talk about.

- When asked why the Governor did not have confidence in the selection process, Mr. Chadbourne said that it was because the Governor had learned that the Chair of the MeANS Board was one of Speaker Eves' staffers. Mr. Chadbourne acknowledged that he personally did not know much about the selection process other than a couple of details that Mr. Moore may have mentioned in the June 8<sup>th</sup> conversation. Mr. Chadbourne also testified that he did not believe the Governor had any additional knowledge, beyond what was described in the OPEGA report, of GWH's selection process or how the MeANS Board Chair was involved in it.
- The last sentence on page 14 of the Info Brief describes that the GWH Board Chair was informed at some point by Senior Policy Advisor C, Aaron Chadbourne, that their lawyer would like to speak to him. Mr. Chadbourne testified that he did not recall the specific date of this call but thought it was just before July 4<sup>th</sup>. He called Mr. Moore to let him know that he was giving Mr. Moore's contact information to Cynthia Montgomery, Governor's Chief Legal Counsel, and that she might be contacting him given that there was pending litigation. Emails provided show that Ms. Montgomery first contacted GWH Board Chair Jack Moore on July 20, 2015 and a meeting was set for July 23, 2015. Ms. Montgomery had to cancel that meeting on July 22, 2015 and intended to reschedule. She said her purpose in arranging a meeting with Mr. Moore was that by that time she had been contacted by Speaker Eves' attorney and it was clear that litigation was going to be filed and that is what she wanted to talk with Mr. Moore about. Ms. Montgomery testified, however, that the meeting was never held as she became consumed by issues emerging at that time regarding the legal status of a large number of bills on the Governor's desk. In addition, during the period she was dealing with that, an outside attorney had been obtained for the Governor.
- On page 16 of the Info Brief, OPEGA reports that the Acting DOE Commissioner described a meeting he had with the Governor in which the Governor told him that he did not want to send any funds to GWH that were not required by law. The Acting Commissioner could not recall when this conversation had taken place, though he did not think it was prior to his DOE Lead Team meeting on June 9<sup>th</sup>. In his testimony, the Governor's Senior Policy Advisor, Aaron Chadbourne, confirmed that he was present with the Acting Commissioner and the Governor during that conversation. Mr. Chadbourne testified that he did not specifically recall when the conversation took place but, after looking at his calendar recently, his best guess is that it took place following the June 9<sup>th</sup> Cabinet meeting. The Governor had a previously scheduled meeting with the Acting Commissioner immediately after the Cabinet meeting to talk about a teacher certification issue and he believes this is where the conversation took place. The meeting was in the Governor's Office and GWH was not at all the focal point of the conversation. Mr. Chadbourne described it as an incidental comment made as he and the Acting Commissioner were leaving. Mr. Chadbourne testified that he thought the Acting Commissioner made some comment about the Governor's past advocacy for more funding for GWH and at that point the Governor said very clearly to the Acting Commissioner that he wanted him to read the budget very carefully after it was passed and "we'll give them exactly what we are required by law and nothing more."
- The fifth bullet point on page 17 describes that the HAF Board Chair, Gregory Powell, met with the GWH Board Chair, Jack Moore, on June 15<sup>th</sup>, possibly over dinner. An email from Mr. Moore to Mr. Powell dated June 21<sup>st</sup> briefly references a dinner meeting the two had the previous week and indicates that GWH was a topic of discussion at that meeting. Mr. Powell testified that at that meeting the concerns about losing State funding and what that meant to GWH's financial stability. Mr. Powell said Mr. Moore already knew about these concerns because he had asked Mr. Moore to help out at GWH. He said Mr. Moore is a very intelligent guy from a finance standpoint and Mr. Powell had wanted him to work with the Board to bring financial stability and sustainability to the operation. Mr. Powell testified that he thought Mr. Moore already knew that the loss of funding was a serious issue and that the more

people were thinking about it the more concerned they became because \$500,000 a year was at least 15% of GWH's total operating budget.

- The last bullet on page 17 discusses the June 18<sup>th</sup> letter that Mr. Powell sent to Mr. Moore advising him of the HAF's concerns with the likely loss of State funding and the HAF's plan to re-engage a consultant to revisit the GWH and MeANS budget and financial forecasts. An email shows that this letter was sent to Mr. Moore via email at 5:21 pm on June 18<sup>th</sup> with a copy to the consultant. Another email shows that the consultant contacted Mr. Moore via email at 6:39 am on June 19<sup>th</sup> to let Mr. Moore know he will call him on Monday, June 22<sup>nd</sup> to discuss the process and schedule for this assessment. June 19<sup>th</sup> is also the date the GWH Board held its regularly scheduled Board meeting and discussed the financial risks associated with the loss of State funding as described on page 18 of the Info Brief. Minutes of the GWH June 19<sup>th</sup> Board Meeting show this meeting began at 8:10 am.
- The last paragraph on page 18 of the Info Brief discusses communications occurring between the GWH Board Chair, Jack Moore, and Speaker Eves on Sunday, June 21<sup>st</sup>. An email from Mr. Moore to HAF Board Chair, Gregory Powell, at 10:31 am on June 21<sup>st</sup> includes a post script note letting Mr. Powell know that he (Mr. Moore) has been back and forth with Speaker Eves already that day and Mr. Moore hopes to have some developments later.
- Page 19 of the Info Brief discusses events occurring on June 24<sup>th</sup>, particularly the 4:30 pm GWH Board meeting. An email shows that it was also on this day, at 4:19 pm, that the HAF Board Chair, Gregory Powell, informed the HAF Board of the situation with the threat of loss to State funding and his letter to GWH Board Chair Jack Moore. The subject of the email is "Foundation Update" and the GWH situation is one of two items Mr. Powell is updating the Board on. Mr. Powell attached to this email the Governor's June 8<sup>th</sup> letter to the GWH and MeANS Board Chairs and his own June 18<sup>th</sup> letter to Mr. Moore.
- The last paragraph on page 19 of the Info Brief notes the June 25<sup>th</sup> posting of a Maine Center for Public Interest Reporting article about the Governor taking action to withhold a payment that was in process for GWH. Preceding the posting of that article are emails from the reporter to both the Governor's Office and DOE seeking confirmation of information she had obtained that the Governor or someone in his office had called an impromptu meeting with Suzan Beaudoin, DOE Director of School Finance and Operations, on June 9<sup>th</sup> and she was told to stop the payment to GWH. The Governor's Press Secretary forwarded that email to Senior Policy Advisor C, Aaron Chadbourne, and others in the Governor's Office. Mr. Chadbourne replied by email at 1:36 pm on June 25<sup>th</sup> that he had not met with Ms. Beaudoin on this issue and did not believe anyone else in the Governor's Office had either. The DOE Director of Communications deferred all comment to the Governor's Office. According to the article, the Governor's Press Secretary replied to the reporter that "This is not accurate and due to pending litigation, we are unable to comment."
- Page 20 of the Info Brief has a paragraph describing the Acting DOE Commissioner, Thomas Desjardin, working with GWH's new Interim President during the period July 1<sup>st</sup> – July 11<sup>th</sup> to establish a new written agreement for the FY16-17 funding. OPEGA reported that on July 6<sup>th</sup>, Acting Commissioner Desjardin sent GWH a letter committing to sending the first quarterly check as soon as the agreement was signed. The agreement was signed and returned on July 8<sup>th</sup> which committed DOE to \$530,000 in funding for FY16 and FY17 if conditions were met. The Acting Commissioner had also previously told OPEGA that it was on July 9<sup>th</sup> that the DOE Lead Team met to determine how to address the \$1.5 million in cuts to the budget for the Miscellaneous Costs category of which the GWH funding was a part. Included in the records obtained through the Special Inquiry is a July 4<sup>th</sup> email from the Governor's Senior Policy Advisor, Aaron Chadbourne, to Acting Commissioner Desjardin regarding



the new draft agreement and the letter to GWH that is to accompany it. In this email, Mr. Chadbourne asks whether DOE has determined yet how much money would be available for GWH given the reductions to Miscellaneous Costs and suggests that the Acting Commissioner should let GWH know in the letter what they can expect for funding or where DOE is in its process of determining that.

- On page 21 and 22 of the Info Brief, OPEGA provides details about GWH's selection process. In response to GOC questions on October 15<sup>th</sup>, GWH Board Chair Jack Moore discussed further how the process led them to select Speaker Eves. Mr. Moore said that none of the applicants fit to a "T" the criteria GWH had listed when it advertised the position. Consequently, as they went through the process they needed to prioritize what was important to the school, look at the strength of each applicant, weigh how those strengths would most benefit GWH, and which applicants would best complement the existing GWH staff. Mr. Moore described the position as unique and outward facing noting that the school already had strong senior leadership and staff that did very well day to day. Mr. Moore said they felt the Speaker had a good skill set for that outward facing role. He was a good communicator and it was their view that he could probably raise money as well as be a good spokesperson for the school. Mr. Moore said the Speaker was not hired because he was a politician but politicians tend to have the type of skill sets they were looking for in this position. Mr. Moore said the GWH Board has not reached out in the past to the Administration about who was acceptable to hire or not hire at GWH and GWH has not at any other time given the Administration the opportunity to veto any of the names of applicants being considered for a position. Mr. Moore said that if GWH had not been in jeopardy of losing the State funding he thinks Speaker Eves would have been the President of GWH today.

Other relevant information of interest obtained from records or testimony:

- OPEGA's first interview with Acting DOE Commissioner Desjardin was on July 23, 2015. In an email from the Acting Commissioner to the Governor's Chief Counsel, Cynthia Montgomery, dated July 24<sup>th</sup>, the Acting Commissioner said "Two things I would like to "add to the record" with OPEGA after yesterday's interview but wanted to check with you first." He included, for her review, a draft of the email he proposed to send to OPEGA. He wanted to let OPEGA know what Jack Moore told him during the May 22<sup>nd</sup> lunch meeting regarding Speaker Eves' responses to questions about his relationship with the Governor and whether his role as Speaker would interfere with his work at GWH. The Acting Commissioner also told Ms. Montgomery in the email about a question OPEGA asked him and another example he could provide OPEGA to show how the Governor separates personal issues from professional if she thought it would be useful for him to do so. Ms. Montgomery's response to his email is "Let's talk." She also forwarded the email chain to Mr. Chadbourne.
- In her testimony on Nov. 12<sup>th</sup>, Ms. Montgomery acknowledged this email from the Commissioner and said she didn't really advise him. She said she let him know that her opinion the arguments she raised with respect to OPEGA examining the Governor's exercising executive authority did not apply to the agencies and, therefore, he would need to respond to OPEGA and I wasn't advising him on that one way or another. She also remembers specifically telling him and others in DOE that if they were asked to testify they should tell the truth. In his testimony, Deputy Commissioner Desjardin explained that at one time he had asked Ms. Montgomery for some general advice when it became clear that the Governor's Office was not going to be participating in any interviews with OPEGA. He said there was one communication where he was asking Ms. Montgomery how he should approach this and her response was that it was for him to decide. Mr. Desjardin said it became clear that we would not be coordinating on those kind of communications and he had to make decisions on his own. During his testimony, Aaron Chadbourne said he thought there were several times that the Acting Commissioner reached out to the Governor's Office to let them know what he was sharing with OPEGA but that Mr. Chadbourne at no time had given any direction about what Acting Commissioner Desjardin should do

about sharing information, it was the Acting Commissioner's decision to make. Mr. Chadbourne testified that the only direction he provided the Acting Commissioner, and DOE, was that they should cooperate fully with OPEGA and be truthful and provide exactly what they were asked for (in terms of documents).

- Aaron Chadbourne testified that following the June 5<sup>th</sup> meeting with the Governor, where they both learned from the Acting DOE Commissioner about Speaker Eves being hired, there were only two other instances where he spoke with the Governor about the situation. One of those was when he was assisting the Governor with drafting the letter that was sent to GWH on June 8<sup>th</sup>. The other instance was on June 10<sup>th</sup>. Mr. Chadbourne said the Governor was traveling out of state that day and called him as he had heard something on the radio about education funding more broadly and had questions about that. Mr. Chadbourne said that during their conversations about this the Governor mentioned that he wanted Mr. Chadbourne to start working on charter school laws because he wanted to make sure that if Speaker Eves was going to be President of GWH that we have the toughest and best charter school laws in the country. Mr. Chadbourne testified that he relayed that comment to the Acting Commissioner who responded that because Maine's laws were so new they are some of the best. Mr. Chadbourne said he then relayed this to the Governor who responded that Arizona was ranked number one and Maine was only ranked number three and there is more we can do particularly if the Speaker is now interested in charter schools.

### **GOC Actions**

To be completed after December 3<sup>rd</sup> meeting.

### **GOC Vote on Endorsement of OPEGA Report**

A provision in OPEGA's enabling statute, Title 3 §997.2, provides that the Committee may, at its discretion, vote to endorse, to endorse in part or to decline to endorse the report submitted by the OPEGA Director. The Committee's written process and procedure for receiving OPEGA reports states that endorsement indicates the Committee's public approval of, and support for, OPEGA's reported results and recommendations. Generally, the Committee will fully endorse the report if it finds that:

- a. the reported results are credible, objectively derived and sufficiently relevant and complete with regard to the assigned scope for the review; and
- b. the reported recommendations are reasonable and appropriate for addressing the issue(s) identified.

Record of Committee vote to be included once it is taken. Also will include any specific comments a Committee member or members wants to have on the record with regard to their vote.